



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Documentation of NEPA Adequacy (DNA) And Land Use Plan Conformance

Modification of Right-of-Way Grant FF020717 for Access Road 113 APL-1 To Provide for a Vehicle Turnaround and Conex Storage for Containment Site 3-32 in Support of the Trans-Alaska Pipeline System

DNA AK-993-06-027

A. BLM Office: Joint Pipeline Office (JPO)

BLM Case File No. FF020717

Applicant: Alyeska Pipeline Service Company, P.O. Box 196660, MS 502,
Anchorage, AK 99519-6660

Proposed Action Summary: BLM proposes to modify a grant a of right-of-way to Alyeska Pipeline Service Company (Alyeska), operator of the Trans-Alaska Pipeline System (TAPS), to authorize long term land use outside of the TAPS Right-of-Way for the purpose of establishing and maintaining a vehicle turnaround and conex storage site (3-32) along the TAPS access road 113 APL-1 found at TAPS Pipeline Milepost 149.5.

Purpose and Need of Action: The purpose of the proposed action is to authorize land use for Alyeska to establish and maintain an oil discharge prevention and contingency plan containment site on lands adjacent to a water body along TAPS. Also associated with this containment site is the vehicle turnaround area found within this same locale and needed at the end of this rather long access road. The underlying need for the proposed action is BLM's requirement for pipeline operator compliance with the Renewal of the Agreement and Grant of Right-of-Way (ROW) for the Trans-Alaska Pipeline and Related Facilities, Stipulation 2.14, Contingency Plans and Stipulation 3.11, Containment of Oil Spills. Alyeska's *Trans-Alaska Pipeline System Pipeline Oil Discharge Prevention and Contingency Plan* (CP-35-1 Region 5, Ed. 4, Rev. 1, 12/31/03) specifies that Alyeska be prepared for quick response in event of an oil spill from the pipeline system. In accordance with the Renewal of the Agreement and Grant of Right-of-Way for the TAPS and Related Facilities, BLM reviews and approves Alyeska's oil spill contingency plan (C-Plan) on a triennial basis. Alyeska's ability to respond in the event of an oil spill is part of the C-Plan review and approval. The oil spill containment sites are an integral part of the C-Plan.

Location and Legal Land Descriptions of Proposed Action:

This vehicle turnaround area is found near PLMP 149.5 of the TAPS ROW at the end of access road 113 APL-1 as the access road approaches the Atigun River. The lands are found within T. 13 S., R. 12 E., Section 4, Umiat Meridian, Alaska

Description/Scope of Work for Proposed Action:

The actual work on this project will take about 1 week to complete and will entail the placement of about 700 cubic yards of 2" minus gravel over about ¼ acre of tundra vegetation with Geotextile fabric and 2" of insulation being placed under the gravel and on top of the tundra. The actual ROW modification adds an area of 220 feet by 50 feet to the ROW area. This area will be used primarily as a vehicle turnaround area and for the future placement of a Conex Storage Container in support of the TAPS Oil Spill Contingency Plan. This location is very close to the Atigun River and has been identified as a valuable locale for the placement of oil spill containment booms if the TAPS Pipeline should leak upstream of this area.

Authorities: The Trans-Alaska Pipeline Authorization Act of 1973 (TAPAA) (43 U.S.C. § 1652) and Section 28 of the Mineral Leasing Act, as amended, 30 U.S.C. § 185; 43 Code of Federal Regulations 2880 Rights-of-Way Under the Mineral Leasing Act; National Environmental Policy Act (NEPA) of 1969; and the Renewal of the Agreement and Grant of Right-of-Way for the TAPS and Related Facilities.

B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans

The project activity will occur on federal lands managed by BLM Alaska, which were withdrawn as a utility corridor under Public Land Order 5150, December 28, 1971. The proposed action is in conformance with the applicable land use plans as required by 43 CFR 1610.5, although this project is not specifically addressed, because it is clearly consistent with the objectives, terms and conditions with the following Land Use Plan decisions:

1. *Final Environmental Impact Statement, Utility Corridor Proposed Resource Management Plan*, U.S. Bureau of Land Management, Arctic District Office, Alaska, September 1989, BLM-AK-PT90-002-1610-060. BLM completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the land use planning process of the Utility Corridor Planning Area that encompasses the Trans-Alaska Pipeline Right-of-Way on federal lands. The proposed plan was designed to provide for multiple use of planning area resources while also providing resource protection. The plan priority was to preserve the Utility Corridor for the transportation of energy minerals. The Utility Corridor was withdrawn by Public Land Order 5150 December 30, 1971 to protect the route of the Trans-Alaska Pipeline System. The Record of Decision was signed January 11, 1991.

C. Identify the applicable NEPA documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

1) *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, U. S. Department of the Interior, Bureau of Land Management Joint Pipeline Office, BLM-AK-PT-03-005-2880-990, November 2002. The BLM completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with renewal of the TAPS Right-of-Way. The FEIS and the Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS for an additional 30 years.

2) *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline*, Prepared by a Special Interagency Task Force for the Federal Task Force on Alaskan Oil Development, U.S. Department of the Interior, 1972. The U.S. Department of Interior completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the construction, operation and maintenance of the Trans-Alaska Pipeline System for the first 30-year term of the Right-of-Way Grant. The Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS. This was the first comprehensive NEPA analysis document completed for the Trans-Alaska Pipeline System and the first EIS completed after passage of the National Environmental Policy Act in 1969.

List by name and date other documentation relevant to the proposed action.

1. The Renewal of the Agreement and Grant of Right-of-Way for the TAPS, January 8, 2003.
2. The issuance of TAPS ROW FF020717 for Access Road 113 APL-1, February 11, 1975.

D. NEPA Adequacy Criteria

1. **Are the current proposed actions substantially the same actions or part of those actions as previously analyzed?**

The proposed actions are part of the actions that were previously analyzed in the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, U. S. Department of the Interior, Bureau of Land Management Joint Pipeline Office, BLM-AK-PT-03-005-2880-990, November 2002, Section 3.1-14, Oil Spill Emergency Response. The FEIS states:

“The TAPS is required to comply with the TAPS Oil Discharge Prevention and Contingency Plan (CP-35-1) approved every three years by multiple federal and state agencies. The plan covers the following: (1) equipment and resources and field training for spill responders; (2) electronic leak detection capabilities; (3) improved leak detection and leak prevention alarm systems for pump station tanks; (4) *more than 220 sites along the pipeline ROW designated as oil spill equipment staging and deployment areas*, and dedicated oil spill contingency plan buildings and equipment at each pump station; (5)

mutual aid agreements with villages near the pipeline to use residents and equipment in the event of a spill; (6) 12 spill scenarios covering a variety of terrain, oil products, spill volumes, and seasonal conditions; and (7) aerial photographs of the pipeline to aid in spill response planning.”

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the current proposed actions, given current environmental concerns, interests, resource values, and circumstances?

Yes, the range of alternatives analyzed in the existing NEPA documents is appropriate with respect to the current proposed action. This proposed activity was previously analyzed in the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, BLM-AK-PT-03-005-2880-990, November 2002, and the first TAPS NEPA analysis, the *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline 1972*. Both documents analyzed these activities. No adverse environmental impacts are expected to occur as the result of the vehicle turnaround construction activity or the use of the area after the area is constructed.

3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances, for example, most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species and most recent BLM lists of sensitive species? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?

The Record of Decision for the TAPS Renewal FEIS states:

“Pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act, the Marine Mammal Protection Act and Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act, the BLM initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Under Section 7 of the Endangered Species Act, the BLM prepared the Biological Evaluation of the Effects of Right-of-Way Renewal for the Trans-Alaska Pipeline System on Threatened and Endangered Species and Designated Critical Habitat (Biological Evaluation), dated June 2002. The Biological Evaluation identified five species of concern within the action area: spectacled eider, Steller’s eider, humpback whale, fin whale, and Steller sea lion. It found there was no designated critical habitat within the action area for the TAPS renewal. The Biological Evaluation concluded that the proposed action was not likely to adversely affect the five species or any critical habitat. The National Marine Fisheries Service and the Fish and Wildlife Service each concurred with BLM’s determination that the proposed action would not adversely affect the species of concern. BLM prepared an Essential Fish Habitat analysis. The National Marine Fisheries Service concurred that the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act have been satisfied and further concurred with BLM’s determination that any short-term adverse effects on Essential Fish Habitat can be adequately avoided, minimized and mitigated by the conservation measures associated with the proposed action.”

4. Does the methodology and analytical approach used in the existing NEPA documents continue to be appropriate for the current proposed actions?

The methodology and analytical approaches used in the existing NEPA documents are appropriate for the current proposed action. All of the documents addressed the aspects of the affected environment and environmental consequences for soils, permafrost, sand and gravel; surface water and groundwater resources, air quality, noise, terrestrial vegetation, wetlands and riparian zones; fish, birds, mammals, threatened and endangered species, land use, economy, subsistence, environmental justice, cultural resources, recreational and visual resources, transportation, hazardous materials and waste management, and oil spill contingency plans. The TAPS Renewal EIS of November 2002 systematically addressed cumulative impacts, mitigation and other NEPA considerations. The oil spill response practice drills and exercises are a mitigation measure to protect the environment in event of a TAPS oil spill.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA documents? Do the existing NEPA documents sufficiently analyze site-specific impacts related to the current proposed action?

The direct and indirect impacts of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Site-specific impacts related to the current proposal were sufficiently analyzed in the previous EISs.

6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA documents?

The cumulative impacts from the proposed action have not changed from the impacts analyzed in the 2002 TAPS FEIS for Right-of-Way Renewal. The FEIS contains an extensive discussion of the cumulative effects of TAPS operations for the 30-year renewal period.

7. Are the public involvement and interagency reviews associated with existing NEPA documents adequate for the current proposed actions?

The public involvement and interagency review associated with the existing NEPA documents are adequate for the current proposed action due to the following:

1) Public Involvement. The TAPS FEIS for Renewal underwent an exhaustive public involvement process. BLM enlisted all interested stakeholders in the renewal process, including government-to-government involvement with Alaska tribes, state and federal agencies that regulate TAPS activities, and special interest groups affected by TAPS activities. The entire renewal process, including all public hearings and meetings received extensive coverage by newspaper, television and radio media.

2) Interagency Review. During the TAPS Renewal EIS process, BLM coordinated closely with the State of Alaska, as well as all JPO State and Federal stakeholder agencies and other Federal land management agencies, including the U.S. Forest Service and the National Park Service. The TAPS FEIS for Renewal contains interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region, which concurred with the BLM finding that any short-term effects can be adequately avoided, minimized, and mitigated by the conservation measures associated with the proposed action.

E. Interdisciplinary Analysis. Identify those team members consulted or participating in the preparation of this document.

1. Patricia Perry, Realty Specialist, Joint Pipeline Office
2. Lois Simenson, Realty Specialist, Joint Pipeline Office

F. OTHER NEPA CONSIDERATIONS

1. Cultural Resources

The "Assessment of Heritage and Paleontological Resources, Fairbanks District Office" cultural clearance report, dated before the pipeline construction prepared by the District Office archaeologist states that there are no cultural resources that will be affected by the construction of this access road. This report was further verified by the March 4, 1992, Public Notice of Application for a Permit by the U.S. Army Corps of Engineers who verified that the State Historic Preservation Officer had been consulted and the SHPO had concurred with the previous findings of the BLM Archaeologist.

2. ANILCA Section 810 Subsistence Evaluation

The TAPS Renewal Record of Decision signed January 8, 2003 contained the following conclusion. BLM determined that the effect of the proposed action on subsistence would not significantly restrict subsistence uses. BLM undertook a series of public hearings to review the effects of the TAPS on subsistence and published a notice in the Federal Register July 5, 2002, that cumulative impacts may significantly restrict subsistence uses. BLM held public hearings throughout Alaska in Cordova, Valdez, Glennallen, Anchorage, Fairbanks, Minto, and Barrow, between July 26 and August 9, 2002. Based on the hearings and the Section 810 evaluation, BLM concluded:

- 1) TAPS Renewal activities would not significantly affect the subsistence rights of rural Alaskans. Some small or slight impacts might occur under a renewal for thirty years. The subsistence impacts likely related to the TAPS potentially would be (1) limited reduced access to portions of subsistence use areas and (2) possible disruptions to the movement of game. It is likely that the magnitude of these consequences would be very small, and would not significantly restrict subsistence uses.
- 2) Since the TAPS is constructed and is an operational system, there is no other land available to accomplish the purpose sought to be achieved. The proposed action will involve the minimal amount of public lands necessary to accomplish the purpose of renewing TAPS.

- 3) There is no other alternative that would reduce or eliminate the use of public lands needed for subsistence purposes and accomplish the public purpose.

Environmental Impacts – The January 2003 Record of Decision for TAPS Renewal authorized renewal of the right-of-way under the administration of the Department of the Interior with the understanding that the monitoring and mitigation that is currently required and operative shall be followed as directed by the Authorized Officer. Mitigation measures include those covered by technical, environmental, and general stipulations of the Federal Agreement and Grant of Right-of-Way. The FEIS stated:

“The unavoidable adverse impacts under the renewal of the Grant for another 30 years are small and may be mitigated or offset by the positive aspects of the actions. There would be continued localized impacts to the environment as a result of operation, construction, and maintenance activities, such as soil and vegetation disturbances, the use of surface and groundwater resources, and air emissions. However such impacts are readily mitigated through measures already in place.”

3. Mitigation Measures

1. The Right-of-Way Grant shall be subject to the terms, conditions and stipulations of the Federal Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline between the United States of America and Amerada Hess Corporation, et al. dated January 8, 2003, which became effective on January 24, 2004. It shall be provided, however, that in the event of a conflict, either express or implied, between any provisions of the Federal Agreement for TAPS and any provision of this ROW Grant, such conflict shall be resolved in favor of this ROW Grant.
2. Upon expiration or termination of use, the land area shall be restored to the satisfaction of the Authorized Officer and in accordance with 43 CFR 2885.11(b) Terms and Conditions of Use.
3. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.
4. The Grant area limits shall be staked prior to commencement of any Conex placement activities.
5. If the natural vegetation is disturbed as a result of the permittee's activities, the disturbed areas shall be returned to their original or normal physical condition and natural productivity and diversity with re-establishment of native plant species, as soon as practicable, to the satisfaction of the Authorized Officer, as stated in writing.
6. Land use activity, including any construction, shall be conducted to minimize disturbance to existing vegetation.
7. Fuel storage is not allowed within the Grant area.
8. Temporary trash storage is not allowed in the Grant area.
9. Waste materials will be removed from the Grant area to appropriate facilities on a regular basis.

10. The Authorized Officer may require that his authorized representative be on site during operations conducted under this Grant.
11. The permittee shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
12. This Grant applies to lands under jurisdiction of the Bureau of Land Management.
13. There shall be no disturbance of any archaeological or historical sites, including graves and remains of cabins, and no collection of any artifacts whatsoever. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc is strictly prohibited. If historic resources are encountered then all artifacts will be respectfully left in place and the jurisdictional BLM Field Office cultural resource staff will be notified immediately.

PART 1: PLAN CONFORMANCE REVIEW

This proposed action is within the Utility Corridor Resource Management Plan and Final Environmental Impact Statement approved by Record of Decision January 11, 1991. This action has been reviewed for and is in conformance with the Utility Corridor RMP, Appendix N, Lands Program Objective 1, Implementing Action 7(a), found on page N-8: "Approve use authorization applications with emphasis given to previously disturbed sites, including rights-of-way for access roads, pipelines, power lines, utilities, railroads, etc."

Prepared by: Stanley E. Brungt Realty Specialist 9/11/06
Signature Title Date

PART 2: NEPA REVIEW AND COMPLIANCE

This action falls within the scope of the Environmental Assessment for Oil Spill Contingency Plan Access Roads dated March 4, 1992, which examined the subject access road as well as four other access roads (EA No. BPM 92-002).

This proposed action is within the scope of the Final Environmental Impact Statement, (FEIS) Renewal of the Agreement and Grant of Right-of-Way for the TAPS, BLM-AK-PT-03-005-2880-990, approved by Record of Decision January 8, 2003, and therefore does not require the preparation of an EA or an EIS.

Prepared by: Stanley E. Brungt Realty Specialist 9/11/06
Signature Title Date

PART 3: DECISION

I have reviewed the proposed action and determined it is in conformance with the approved land use plan and will not have a significant effect on the quality of the human environment. No further environmental analysis is required. It is my decision to implement the proposed action as described based on the review documented above and in accordance with the requirements of the National Environmental Policy Act (NEPA). I conclude that the existing NEPA documentation fully covers the proposed actions and that these proposed actions are within the scope of the Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, BLM-AK-PT-03-005-2880-990, approved by Record of Decision January 8, 2003.

Nolan Heath deputy Authorized Officer 12 Sep 2006
Signature Title Date